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Application no. 09/817,473

2813

April 19, 2002

6/Election  
5/8/02  
R. Wells

TO: Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Attn: Art Unit 2813 - Examiner T. Nguyen

FROM: George O. Saile, Reg. No. 19,572  
20 McIntosh Drive  
Poughkeepsie, N.Y. 12603

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TECHNOLOGY CENTER 2800

SUBJECT: Serial #: 09/817,473  
File Date: 3/26/2001  
Inventor: Yi Xu, et al.  
Examiner: T. Nguyen  
Art Unit: 2813  
Title: Gap Filling Process in Integrated Circuits using Low Dielectric  
Constant Materials

### RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the Election of Species Requirement in the Office Action dated March 19, 2002. In that office action, applicant was required under 35 U.S.C. 121

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on April 19, 2002.

to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable, and that currently no claim is generic.

The species stated are:

Species I, drawn to a method of using a non-oxide adhesion layer between dielectric layers, Figs. 2a-2d, which reads on Claims 23-27, and

Species II, drawn to a method of using a hard mask and double coating low dielectric material, Figs. 4a-4b, which reads on Claims 28-35, and

Species III, drawn to a method of using a hard mask in conjunction with an adhesion layer for dielectrics, Figs. 5a-5b, which reads on Claims 36-41.

Applicant provisionally elects to be examined the species described by the Examiner as Species I, which reads on Claims 23-27. This election is made with traverse of the requirement under 37 C.F.R. 1.143 for the reasons given in the following paragraphs.

The Examiner is respectfully requested to reconsider the Requirement for Election of Species given in the Office Action, because of the increased costs applicant would be forced to bear if the three species are separately examined. Furthermore, the field of search must necessarily cover all species, in addition to other related Classes and subclasses, to provide a complete and adequate search.

Withdrawal of the Election of Species Requirement, and allowance of the present Patent Application, is therefore respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'SBA', written over a horizontal line.

Stephen B. Ackerman, Reg. No. 37,761